

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Hammond, Michael et al.
Appl. No.: 10/689,516
Conf. No.: 8650
Filed: October 21, 2003
Title: HAND HELD ELECTRICAL DEVICE AND METHOD FOR USING THE
SAME
Art Unit: 3714
Examiner: Ronald Laneau
Docket No.: 115438-69

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF

Sir:

In response to the Final Office Action dated October 25, 2007, please enter and consider the following remarks:

REMARKS

I. THE REJECTION OF CLAIMS 1-12, 14-16, 25-26 and 28-32 UNDER 35 U.S.C. §102(b) AS BEING ANTICIPATED BY NG IS IMPROPER

Claims 1-12, 14-16, 25-26 and 28-32 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,042,478 ("Ng"). Applicant respectfully disagrees.

Claim 1 relates to a hand held electronic device having a main body. The main body includes a connector adapted to electrically and mechanically connect the main body to a second connector of a separable electronic game. The main body also includes first and second ports sized to receive first and second game cartridges of the electronic game. Each of said first and second ports have an electrical connection that is electrically connectable to the respective first and second game cartridges. The main body also includes a processor adapted to electrically connect the electronic game to the first and second game cartridges through the first and second ports. Further, the second connector of the separable electronic game is electrically and mechanically connectable to the first or second game cartridges. Thus, the second connector of

the separable electronic game is mechanically and electrically connectable to either the main body or a game cartridge.

Ng discloses a hand-held video game system having a microprocessor controller with address and data buses for providing memory accesses during memory cycles to a plurality of cartridge slots for electrically connecting cartridges containing memory related to games. Specifically, the Ng discloses an electronic game having two game cartridge slots. The Office Action states:

“...Ng discloses a hand held electronic device, comprising: a main body including a connector adapted to and mechanically connect said main body to a separable electronic game (fig. 4, 87), first and second ports sized to receive first and second game cartridges of the electronic game (col. 3, line 61 to col. 4, line 6), respectively, each of said first and second game cartridges (see fig. 2, 81 82), and a processor adapted to electrically connect the electronic game to the first and second game cartridges through said first and second ports (see fig. 5, 100).”

It appears that the Office Action is relying upon a game cartridge 91, or more specifically, the connector 87 of the game cartridge 91 to teach a connector of a main body that is connectable to a separable electronic game. However, while Ng describes the game cartridge 91 as being separably connectable to the electronic game, Ng does not describe or disclose that game cartridge 91 includes ports to receive first and second other game cartridges or a processor. Therefore, the game cartridge 91 cannot be the main body as claimed, and the connector 87 cannot be the connector of the main body as claimed.

In response, the Office Action states:

“...Ng discloses a connector for transferring and receiving information over a bi-directional communication link in which a communication cartridge allows communication over the Internet and allows for interactive play of a video game. Furthermore, Ng also discloses a connector for transferring and receiving information over a bi-directional communication link whereby a user is able to play a video game on said system (see claim 8). That at least indicates that either a processor or other game cartridge can be connected to said port and allowing other user or remote user to play an electronic game from using said cartridge.”

Thus, it now seems that the Office Action interprets the game unit 50 of Ng as the main body, to which two game cartridges such as cartridge 91 can be connected. Further, a communication link can bi-directionally connect the game unit 50 to another game unit, which the Office Action seems to interpret as a separable electronic game. However, even under such an interpretation, Ng still does not disclose or suggest that the main body includes a connector adapted to electrically and mechanically connect to a connector of the separable electronic game and that the connector of the separable electronic game is electrically and mechanically connectable to the first or second game cartridges. Instead, Ng discloses communication with a remote game device being through a modem via the Internet. It is respectfully submitted that no portion of game unit 50 has a connector similar to the connectors on the game cartridges which would allow it to mate with a connector that can also receive game cartridges.

For at least the above reasons, it is respectfully submitted that Ng does not disclose or suggest a main body including a connector adapted to electrically and mechanically connect the main body to a separable electronic game, first and second ports sized to receive first and second game cartridges of the electronic game, respectively, and a processor.

For at least the above reasons, it is respectfully submitted that Claim 1 and its dependent claims are patentably distinguished over Ng and are in condition for allowance. For similar reasons, it is respectfully submitted that Claims 25 and 31 and their dependent claims are patentably distinguished over Ng and are in condition for allowance.

II. THE REJECTION OF CLAIMS 13 AND 27 UNDER 35 U.S.C. 103(a) AS BEING UNPATENTABLE OVER NG IS IMPROPER

Claims 13 and 27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ng. Applicant respectfully disagrees.

Claims 13 and 27 are allowable for similar reasons to those discussed above. The Ng reference alone or in combination fails to disclose or render obvious a main body including a connector adapted to electrically and mechanically connect the main body to a separable electronic game, first and second ports sized to receive first and second game cartridges of the electronic game, respectively, and a processor.

III. CLAIMS 17-24 ARE ALLOWABLE

Applicant thanks the Examiner for allowing Claims 17-24.

In view of the above, Applicants submit that this application is in condition for allowance. An indication of the same is solicited. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing, referencing Attorney Docket No. 115438-69.

Respectfully submitted,

BELL, BOYD & LLOYD LLP

BY 

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Dated: January 25, 2008




Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 115438-069										
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____	Application Number 10/689,516	Filed October 21, 2003										
	First Named Inventor Michael Hammond											
	Art Unit 3714	Examiner Ronald Laneau										
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table border="0"><tr><td><input type="checkbox"/> applicant/inventor.</td><td rowspan="2"> _____ Signature</td></tr><tr><td><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td></tr><tr><td><input checked="" type="checkbox"/> attorney or agent of record. 48,250 Registration number _____</td><td>MacLane C. Key _____ Typed or printed name</td></tr><tr><td><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</td><td>(202) 955-6855 _____ Telephone number</td></tr><tr><td></td><td>January 25, 2008 _____ Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>				<input type="checkbox"/> applicant/inventor.	 _____ Signature	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	<input checked="" type="checkbox"/> attorney or agent of record. 48,250 Registration number _____	MacLane C. Key _____ Typed or printed name	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	(202) 955-6855 _____ Telephone number		January 25, 2008 _____ Date
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This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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